

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JAMES SCOTT,

Plaintiff,

v.

Case No. 07-C-757

DAVID BETH and DR. JOHNSON,

Defendants.

ORDER

Plaintiff has requested the appointment of counsel. He states that his indigency precludes him from hiring an attorney and that his inexperience in the law will hamper his ability to prosecute this case. Although 28 U.S.C. § 1915(e)(1) allows courts to “request” that an attorney represent a plaintiff, there is, strictly speaking, no ability or funds to “appoint” counsel in the traditional sense. Therefore, requesting that an attorney provide services free of charge will be the exception rather than the rule, although the determination of whether counsel is necessary is governed by several factors. Here, the request will be denied. First, plaintiff has not indicated that he has attempted to contact any attorneys on his own. Second, the nature of the claim is not so complex that the assistance of counsel would prove necessary to secure justice. The plaintiff merely alleges that his pain is going untreated, and his assertion is that the defendants know he is in pain but refuse to dispense narcotics.

If further proceedings demonstrate that the plaintiff has a meritorious case, the court may reconsider the appointment of counsel at that time. But for the time-being, plaintiff has not

demonstrated that he is entitled to the appointment of counsel. Accordingly, the request for appointment is **DENIED**.

Dated this 1st day of October, 2007.

s/ William C. Griesbach

William C. Griesbach
United States District Judge